

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named		Confirmation No:9740
Inventor :	Christian Amiens	
Appln. No.:	10/561,373	Group Art Unit: 2458
Filed :	September 7, 2006	
For :	System and Method for Remote Control of Equipment Enabling Interconnection Between a Server and Remote Equipment in Accordance with the MQIsdp Protocol, and Corresponding Device, Radiocommunication Module, and Set of Commands	Examiner: Rashid, Haruner
Docket No.:	W51.12-0024	

RESPONSE AFTER FINAL

FILED ELECTRONICALLY AUGUST 17, 2009

Sir:

This response is submitted in response to the Office Action mailed June 16, 2009. Applicant respectfully requests reconsideration and allowance of the application and all pending claims in view of the following remarks.

Applicant acknowledges the withdrawal of the double patenting rejection and approval of the Terminal Disclaimer filed April 9, 2009. Applicant further acknowledges that all objections to the specification have been withdrawn.

Claims 1 and 3-22 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Andy Stanford-Clark, Integrating Monitoring and Telemetry Devices as Part of Enterprise Information Resources, Websphere MQ Development, IBM software Group, pp. 1-13 (March 2002) (hereinafter "IBM Document"), in view of PETITE, U.S. Patent No. 7,103,511.

In the Office Action of June 16, 2009, the Examiner noted that Applicant's arguments regarding the non-relevance of the cited documents (IBM and PETITE) regarding the claimed invention were fully considered, but were not persuasive. In this regard, the Examiner maintains that the subject matter of claims 1 and 3-22 of the instant application are unpatentable under § 103(a) in view of the combination of the IBM document with the PETITE document. In

the June 16, 2009 Office Action, the Examiner asserts that the actions “connect, disconnect, publish, subscribe, unsubscribe; and an application-level keepalive: pingrequest and pingresponse” are AT commands. In this regard, the Examiner bases his position on the cited extract, page 9, lines 24-27 and page 10, lines 20-27, and, contrary to Applicant’s arguments, considers that the IBM Document discloses the implementation of AT commands. In addition to the arguments present in the previous Office Action, the Examiner further specifies that “*connect, disconnect, publish, subscribe, unsubscribe ; and an application-level keepalive : pingrequest and pingresponse*” described in the IBM document shall be interpreted as being AT commands.

However, Applicant submits that the Examiner’s interpretation is erroneous since it considers that AT commands carried out in the present invention are equivalent to a set of messages (“verbs”), which are defined by the MQIsdp requirement in a classical manner. Besides, the specification of the present patent application explicitly refers to that set of messages as the Prior Art technique (*see page 6*).

It must be noted that MQIsdp protocol is a data transfer protocol (messages) based on a publish / subscribe type communication model (which is more over evoked in the extract raised by the Examiner: “*a very basic publish /subscribe verb set*”, IBM). According to this model, data are actually exchanged in the form of messages between a client and a server to make message management and acknowledgments in order to assure the reliable delivery of the message (*page 9 lines 26-27, IBM*). As described in the present patent application (*see page 6*), the MQIsdp specification defines in a classical manner a set of very simple messages including: “connect”, “disconnect”, “publish”, “subscribe”, and “unsubscribe”, that is completely different from functions associated to AT commands. Indeed, contrary to this set of messages defined in the classical manner by the MQIsdp specification, AT commands aim at enabling a remote equipment (client) to require from a radiocommunication module to which it is linked to execute certain predetermined actions.

Thus, contrary to the IBM document, the present invention grounds on the embodiment of a set of specific AT commands enabling an external application, associated to a

remote equipment, to manage data exchanges between this remote equipment and a server, by means of a radiocommunication module, so that neither the remote equipment nor the associated application need to know the MQIsdp protocol carried out by the server. In this case, the radiocommunication module assures the transformation to the MQIsdp format, as well as sending and receiving of data according to this protocol, in a manner transparent for the application.

In other words, the present invention is characterized in that the set of AT commands is managed by an independent module performing the interconnection between the remote terminal and the server sending the messages using this protocol MQIsdp. Thanks to this independent module and the embodiment of a set of AT commands, the remote terminal, which is frequently limited in terms of resources and power (usually called “equipment of intelligence limited”), is not constrained anymore to integrate specific means (for instance a software architecture, memories, dedicated applications, ...) to the MQIsdp protocol, the corresponding functions being handled by the radiocommunication module according to the present invention.

It shall be noted that, from the disclosure of IBM, it is not obvious for the person skilled in the art, particularly when a very simple control system is currently being developed (and adapted to remote equipments of “intelligence limited”), to implement a such process, which assures data exchanges between these remote equipments and a server in the manner transparent for the applications carried by these equipments.

In addition, the IBM document does not address the problem of how to interconnect a server and a remote equipment, carrying a client application, without neither the equipment nor the client application comprising specific means to manage the MQIsdp protocol implemented by the server.

A fortiori, there is nothing in the IBM document that discloses or suggests any of the following features of pending claim 1 (using the terms of claim 1):

- radiocommunication means capable of sending and receiving AT type commands sent by and / or to be sent to an external application used by the said remote equipment;

- radiocommunication means provided with a set of special AT commands for exchanging data with at least one server using the said MQIsdp protocol, so as to enable an interconnection between the said server(s) and the said remote equipment through the said radiocommunication means, **without requiring knowledge of the said MQIsdp protocol in the said remote equipment**;
- in at least a first mode, the said radiocommunication means only manage signaling of a data exchange, the said data being transferred directly from remote equipment to a server, or vice versa.

Furthermore, the other extract (*page 10, lines 20 to 27*) raised by the Examiner shows that it concerns a remote equipment comprising (in a classical manner) specific means for processing data to establish and perform data exchanges with the server according to MQIsdp protocol, since it is called “MQIsdp client”.

As a consequence, the invention recited in claim 1 and in dependent claims 3-18 (those claims depend from independent claim 1) would not have been obvious to a person of ordinary skill in the art at the time the invention was made. In other words, since neither the IBM Document nor the PETITE document provide the features of claim 1 (as set forth in Applicant’s response of April 9, 2009 and above)), the combination of the PETITE and IBM Document does not make obvious the features of the present invention as recited in independent claim 1, and its dependent claims 3-18.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which Applicant’s attorney chooses to mention at this time. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinction between Applicant’s

invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /James L. Young/
James L. Young, Reg. No. 30,514
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3244
Phone: (612) 334-3222 Fax: (612) 334-3312

JLY/mek